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July 16, 2021

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

BY ECF

Re: United States v. Thomas Bautista
20 Cr. 033 (ALC)

Dear Judge Carter:

As discussed yesterday during defendant Thomas Bautista's ("Bautista") sentencing hearing, please find attached, as Exhibit A, two Certificates of Disposition in reference to the crimes detailed in paragraphs 38 and 40 of defendant's Presentence Investigation Report ("PSR"). As to the charge in paragraph 38, prosecuted under Docket Number 2010BX025798, the case was dismissed. Bautista respectfully requests that the disposition section of paragraph 38 be changed from "No court reported information" to "Dismissed". The charges referenced in paragraph 40, resulting from defendant's November 15, 2013 arrest, were initially identified under Supreme Court Indictment Number 3783/2013 but were returned to Criminal Court and prosecuted under Docket Number 2013BX065855. The case resulted in a conviction for disorderly conduct with a sentence of a one year conditional discharge and the completion of one day of community service. Therefore, Bautista also respectfully requests that the disposition section paragraph 40 be changed from "No court reported information" to "Found guilty of Disorderly Conduct and sentenced to a one year conditional discharge and the completion of one day of community service". The government, by Assistant United States Attorney Jacob Fiddelman, consented to these applications on the record during the sentencing hearing so long as sufficient documentation was provided to the Court.

Finally, Bautista additionally respectfully requests, in the event that the above motions are granted, that he, or the Court, be provided with the amended PSR to ensure that the changes have been recorded. Anecdotally, in several instances with other clients, PSR's that were ordered amended, were not, and the uncorrected versions were forwarded to the Bureau of Prisons ("BOP"). This failure to amend has a drastic impact upon a defendant, because, for example, charges without dispositions in the PSR are treated as detainees. In turn, detainees increase a defendant's security

category during the BOP's designation process and prohibits inmates from participating in certain programs. Once the BOP considers the incorrect information for any reason, it is nearly impossible to retroactively correct the error.

Thank you for Your Honor's consideration of these requests.

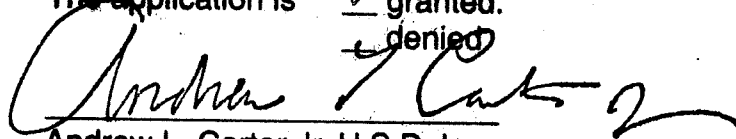
Very truly yours,

Sanford Talkin

Sanford Talkin

cc: AUSA Jacob Fiddelman (by ECF)

The application is ☒ granted.
~~denied~~

A handwritten signature in black ink, appearing to read "Andrew L. Carter Jr.", is written over a horizontal line.

Andrew L. Carter Jr, U.S.D.J.

Dated: July 16, 2021
NY, New York

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 177335

THE PEOPLE OF THE STATE OF NEW YORK
VS

BAUTISTA, THOMAS
Defendant

04/09/1979
Date of Birth

2515 DAVIDSON AVE
Address

9142056H
NYSID Number

BRONX NY
City State Zip

04/21/2010
Date of Arrest/Issue

Docket Number: 2010BX025798

Summons No:

PL 221.40 00 AM,
Arraignment Charges

Case Disposition Information:

<u>Date</u>	<u>Court Action</u>	<u>Judge</u>	<u>Part</u>
04/22/2010	DISMISSED	FRANCO, R	APAR2

DISMISSED

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

VINING, S
COURT OFFICIAL SIGNATURE AND SEAL

07/16/2021
DATE

FEE: 10.00

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise - unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 177336

THE PEOPLE OF THE STATE OF NEW YORK
VS

BAUTISTA, THOMAS
Defendant

04/09/1979
Date of Birth

2515 DAVIDSON AVE
Address

9142056H
NYSID Number

BRONX NY
City State Zip

11/15/2013
Date of Arrest/Issue

Docket Number: 2013BX065855

Summons No:

PL 240.20 00 V, PL 220.39 01 BF, PL 220.03 00 AM,
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
03/10/2014	PLED GUILTY & SENTENCE IMPOSED PG PL 240.20 00 V CONDITIONAL DISCHARGE=1Y COMMUNITY SERVICE=1D	RAMSEUR, D	AP3

SEALED
Pursuant to Section 160.55 of CPL

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

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COURT OFFICIAL SIGNATURE AND SEAL

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